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14 *on behalf of himself and all others similarly situated*

15 *Attorneys for Defendants on following page.*

16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

18 DAVID MCDONALD, on behalf of himself  
and all others similarly situated,

19 Plaintiffs,

20 v.

21 CP OPCO, LLC, dba CLASSIC PARTY  
22 RENTALS; INSPIRITY PEO SERVICES,  
23 LLC; APOLLO GLOBAL MANAGEMENT,  
24 PARTNERSHIP, L.P.; APOLLO  
FRANKLIN PARTNERSHIP, L.P.;  
25 APOLLO CREDIT OPPORTUNITY FUND  
26 III AIV I LP; APOLLO SK STRATEGIC  
27 INVESTMENTS, L.P.; APOLLO SPECIAL  
OPPORTUNITIES MANAGED  
ACCOUNT, L.P.; APOLLO ZEUS  
STRATEGIC INVESTMENTS, L.P.; and  
DOES 1-20,

28 Defendants. /

Case No. CV 4:17-cv-04915-HSG

**REVISED STIPULATION RE CASE  
SCHEDULE, SELECTION OF ADR  
PROCESS, AND ORDER**

Judge: Hon. Judge Haywood S. Gilliam, Jr.  
Second Amended Complaint: November 27, 2017  
Trial Date: None Set

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18 *Attorneys for Defendant, APOLLO GLOBAL MANAGEMENT, LLC*  
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Plaintiff David McDonald (“Plaintiff”) and Defendants Insperity PEO Services, L.P. (“Defendant Insperity”), Defendant Apollo Global Management, LLC (“AGM”), Defendant Apollo Centre Street Partnership, L.P.; Defendant Apollo Franklin Partnership, L.P.; Defendant Apollo Credit Opportunity Fund III AIV I LP; Defendant Apollo SK Strategic Investments, L.P.; Defendant Apollo Special Opportunities Managed Account, L.P.; and Defendant Apollo Zeus Strategic Investments, L.P. (collectively, along with AGM, “Apollo Defendants”)<sup>1</sup> hereby submit this case schedule and stipulation regarding ADR, following an initial Case Management Conference before the Court held on January 9, 2018.

## **I. MOTIONS**

Apollo Defendants filed a motion to dismiss the Second Amended Complaint under FRCP 12(b)(6) (Dkt. No. 66). Plaintiff has filed an opposition to the motion (Dkt. No. 69). The hearing on the motion is set for April 5, 2018.

### **1. Plaintiff’s Motions**

Plaintiff intends to file a motion for class certification after conducting discovery regarding issues common to the class. Plaintiff reserves the right to file a motion for summary judgment or partial summary judgment at a later date. Plaintiffs will move for a default judgment against Defendant CP OpCo.

### **2. Defendants’ Motions**

The Apollo Defendants reserve the right to file a motion to dismiss any subsequent amended complaint filed by Plaintiff; a motion to dismiss any crossclaim or third-party claim; a motion for summary judgment; and any other appropriate motion.

Defendant Insperity reserves its right to file a motion pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, to dismiss Plaintiff’s claims. Insperity anticipates filing a summary judgment motion.

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<sup>1</sup> Defendant Insperity and the Apollo Defendants are referred to collectively as “Defendants.” This excludes Defendant CP OpCo, which has not appeared in this action.

1 **II. SETTLEMENT AND ADR**

2 The Parties intend to mediate this case with Magistrate Judge Corley, depending upon her  
3 availability, and seek to schedule mediation in late April or in May 2018.

4 **III. SCHEDULING**

5 The parties propose the following schedule, subject to the Court's availability:

6 Motion for Class Certification

7 Opening brief filed by: August 30, 2018

8 Opposition brief: September 27, 2018

9 Reply brief: October 11, 2018

10 Hearing: October 25, 2018

11  
12 Close of Fact Discovery

13 January 31, 2019

14  
15 Motions for Summary Judgment

16 Opening brief(s) no later than: February 15, 2019

17 Opposition brief(s): March 15, 2019

18 Reply brief(s): March 29, 2019

19 Hearing: April 11, 2019

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21 Trial Dates

22 Pre-trial Conference: June 10, 2019

23 Trial begins: June 24, 2019

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1 Dated: January 17, 2018

Respectfully submitted,

2 RUDY, EXELROD, ZIEFF & LOWE, L.L.P.  
3 ALTSHULER BERZON LLP

4 By: /s/ John T. Mullan

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10 DAVID MCDONALD, on behalf of  
himself and all others similarly situated

11 Dated: January 17, 2018

Respectfully submitted,

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13 GARRISON LLP  
COOLEY LLP

14 By: /s/ Gregory F. Laufer

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16 *hac vice*)  
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18 COOLEY LLP  
19 MICHELLE C. DOOLIN  
SUMMER J. WYNN  
20 Attorneys for Defendant  
21 APOLLO GLOBAL MANAGEMENT,  
LLC

22 Dated: January 17, 2018

Respectfully submitted,

23 FISHER & PHILLIPS LLP

24 By: /s/ Christopher M. Ahearn

25 BORIS SORSHER  
26 CHRISTOPHER M. AHEARN  
27 Attorneys for Defendant  
28 INSPIRITY PEO SERVICES, L.P.

**ECF ATTESTATION**

Pursuant to Civil L.R. 5-1(i)(3), the filer attests that concurrence in the filing of this document has been obtained from each of the other signatories thereto.

Executed this 17th day of January 2018, at San Francisco, California.

/s/ John T. Mullan

JOHN T. MULLAN

**CASE MANAGEMENT ORDER**

The above REVISED STIPULATION RE SCHEDULE, SELECTION OF ADR PROCESS & PROPOSED ORDER is approved and all parties shall comply with its provisions. The parties are referred to Magistrate Judge Corley for a settlement conference. IT IS SO ORDERED.

DATED: January 24, 2018

  
HON. HAYWOOD S. GILLIAM, JR.  
DISTRICT COURT JUDGE